

Judge Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) NO. CR06-0466TSZ
Plaintiff,) MOTION FOR
v.) ENTRY OF FIRST FINAL ORDER OF
DAVID R. MENDOZA,) FORFEITURE
Defendant.) NOTE ON MOTION CALENDAR:
) April 8, 2011

Pursuant to Rule 32.2 Federal Rules of Criminal Procedure, the United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Richard E. Cohen, Assistant United States Attorney for said District, respectfully moves this Court for the Entry of a Final Order of Forfeiture forfeiting the following property to the United States of America:

Real Property

Real property commonly known as 1135 Tacoma Avenue South, Tacoma, Washington, Pierce County Parcel #201111-010-0, together with its Buildings, Improvements, Appurtenances, Fixtures, Attachments, and Easements, more particularly described as:

Lot 17, Block 1111, Map of New Tacoma, W.t. According to the Plat Filed for Record February 3, 1875 in the Office of the Pierce County Auditor, in Pierce County Washington.¹

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¹Three other real properties were included in the preliminary order of forfeiture, however those properties were forfeited in the related civil forfeiture action *U.S. v. 2526 155th Place SE, Bellevue, et al.* Case No. C07-0359TSZ.

1 This motion is based upon the guilty plea of defendant David Mendoza, the plea
 2 agreement and the other files and records herein, as well as the information summarized
 3 below.

4 On November 19, 2009, this Court entered a Preliminary Order of Forfeiture in the
 5 above-captioned case forfeiting defendant David Mendoza's interest in the above
 6 described real property.

7 The assets were subject to forfeiture pursuant to Title 21, United States Code,
 8 Section 853, based on David Mendoza's guilty plea to Conspiracy to Import more than
 9 1,000 kilograms of Marijuana, as charged in Count 1 of the Superseding Indictment, in
 10 violation of Title 21, United States Code, Sections 952(a), 960(a)(1) and (b)(1)(G) and
 11 963, and his agreement to forfeit the above described real property.

12 Pursuant to Title 21, United States Code, Section 853(n), the United States
 13 published notice on an official government forfeiture website, currently
 14 www.forfeiture.gov for thirty (30) days beginning November 24, 2009. In the publication
 15 the United States published notice of the Preliminary Order of Forfeiture and the intent of
 16 the United States to dispose of the property in accordance with law. This notice further
 17 stated that any person other than the defendant having or claiming an interest in the
 18 property was required to file a petition with the Court within sixty (60) days of the first
 19 date of publication, setting forth the nature of the petitioner's right, title, and interest in
 20 the property.

21 All persons and entities believed to have an interest in the real property subject to
 22 forfeiture were given proper notice of the intended forfeiture.

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No petitioners or claimants have come forth to assert an interest in the forfeited property, and the time for doing so has expired.

It is therefore respectfully requested that an order be entered finally condemning and forfeiting the above listed real property to the United States of America.

A proposed Final Order of Forfeiture is submitted herewith.

DATED this 21st day of March, 2011.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney

s/Richard E. Cohen
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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendant.

s/Jennifer Biretz
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